

PRO SE GUIDE
PROCEDURES FOR FILING
PETITION FOR WRIT OF CERTIORARI

UTAH SUPREME COURT

Office of the Clerk of Court

450 S. State
P O Box 140210
Salt Lake City, UT 84114-0210

(801) 578-3900

May 9, 2005

You have requested information concerning the filing of a petition for a writ of certiorari. This packet is designed to give you basic information concerning the filing of the writ, however, you are responsible for learning about and following the procedures that govern the court process. Although the clerk's staff can provide you with general information concerning court rules and procedures, they are prohibited from writing your papers for you and from participating directly or indirectly in any action.

Keep in mind that as a *pro se* litigant, you are representing only yourself. The law prohibits you from representing another person, company or entity such as a club or association that includes other individuals. You are expected to follow the same rules and procedures that licensed attorneys must follow.

Library Resources: All appeals to this court must conform to the **Utah Rules of Appellate Procedure**. You should familiarize yourself with **rules 46, 47, 48, 49, 50 and 51** which apply to the filing and processing of the petition for writ of certiorari. The petition must also conform with the requirements of **rules 21 and 27**. These rules can be found in a volume entitled **Utah Court Rules Annotated** which is readily available at the law libraries listed below:

1. The **State of Utah Law Library** located on the first floor of the Scott M. Matheson Courthouse at 450 S. State, Salt Lake City, Utah; **238-7990**;
2. The **University of Utah College of Law Library** located on University Street at approximately 300 South on the University of Utah campus; **581-6438**;
3. The **Brigham Young University Law School Library** located on the Brigham Young University campus in Provo, Utah; **378-3593**;

In addition to legal books, the libraries have copies of petitions for writ of certiorari that have been filed during the last several years. You may ask to look at these petitions as a resource. They can be used as a general guideline as to the manner in which a writ is constructed. These writs may have no bearing at all on your appeal and should not be used as a source of information for arguments on the merits.

Packet Is An Overview Only: Please keep in mind that this packet is an overview of what you are expected to file. It is in your own best interest to research the **Utah Rules of Appellate Procedure** for any other applicable information you may need. A copy of the basic rules for filing the writ is attached for your convenience in case you are unable to visit a law library.

Frivolous Lawsuits Prohibited: Rule 33 of the Utah Rules of Appellate Procedure prohibits the filing of lawsuits that are clearly frivolous or filed merely to harass someone. If after reviewing your writ, the court determines that you have filed for an improper or clearly unnecessary purpose, it may impose sanctions against you per rule 34. This includes ordering you to pay a fine to the court or pay the legal fees of the person or persons against whom you filed the writ.

Extension Of Time To File Writ: A motion for extension of time to file a petition for writ of certiorari may be filed up to 30 days **after** what would have been the due date for the petition under Rule 48.

Filing Fee: The fee for filing a petition for writ of certiorari is \$205.00 payable by cash, check or money order. If you do not have a source of income and are not able to pay the filing fee, you may submit an affidavit of impecuniosity to waive the cost. A blank affidavit of impecuniosity is included in this packet should you need one.

Additional Costs: Waiver of the filing fee does not automatically waive the other costs associated with pursuing your writ. If, for example, you need copies of original documents in your case file, the clerk's office is required to charge the standard rate of \$.25 per page.

Change of Address Notification: You must notify the Supreme Court immediately in writing if you have a change of address during the appeal process.

Office Hours: Parties may file pleadings with the court in person or by mail. Office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday except on official state and federal holidays. The Supreme Court address and phone number is on the front of this packet.

Fax Filing Policy: Appellate Clerks' Office Fax Number: 578-3999

1. Fax filings are permitted for documents of **10** pages or less except that regardless of length, petitions for interlocutory appeal, petitions for writ of certiorari and petitions for review may not be filed by fax.

2. The faxed document, which must bear a facsimile of the required signature, will be accepted as an "original" document until the true original (and any required copies) are received by the court. The original must be filed in the court within **5** business days from the date of the transmission by fax. If the original is not received by the appellate court within that period, the filing may be treated as ineffective and untimely.

3. A fax filing is considered "received" when stamped by the clerks' office. The time for stamping is limited to regular office hours (8:00 a.m. to 5:00 p.m., weekdays). For example, a fax received at 5:05 p.m. will be stamped as received on the next business day.

4. Any document filed by fax must also be sent concurrently by fax, hand-delivery or mail on all other parties to the appeal, and the faxed document must contain a certificate of service attesting to such service and that the document was initially filed with the court by fax.

The time for filing a response to a document filed by fax runs from the date the document was faxed to the court.

5. All risks associated with fax filing are borne by the sender (e.g. court's phone system being out of order, the receiving fax machine running out of paper, etc.).

PROCESSING OF A PETITION FOR WRIT OF CERTIORARI

1. **Petition For Writ Of Certiorari Filed**
-The Petition is due **30** days after the entry of the final decision by the Court of Appeals.
2. **Response To Petition For Certiorari**
-The response is due **30** days after the petition is filed in the Supreme Court.
3. **Petition Is Taken Under Advisement**
-A reply may be filed, but the court will not delay the processing of the petition to wait for a reply.
4. **If Petition Is Denied** the case is closed out.
5. **If Petition Is Granted** the clerk's office will issue a writ directing the record to be sent to this court. The case will proceed under rules **24** through **30** of the **Utah Rules of Appellate Procedure**. *See steps 6 through 14 if petition is granted.
6. **Petitioner's Brief To Be Filed (Blue)**
-The brief is due **40** days after record is filed. Supreme Court will send notice of due date.
7. **Respondent's Brief To Be Filed (Red)**
-The respondent's brief is due **30** days after petitioner's brief is filed.
8. **Case Is Now At Issue**
-The case is set for the next available oral argument date.
9. **Petitioner's Reply Brief (Gray)**
-The reply brief is optional and is due **30** days after filing of respondent's brief.
10. **Oral Argument Before The Court**
11. **Case Is Taken Under Advisement**
12. **Court Issues Opinion**
13. **Petition For Rehearing**
-The petition for rehearing is optional- due **14** days after opinion is issued.
14. **Remittitur Issued (The record is returned to the trial court.)**
-The remittitur is issued no earlier than **14** days after the opinion is issued, or if a petition for rehearing is filed, no earlier than **5** days after the petition for rehearing is resolved.

Filing and Service: Please be aware that **Rule 21** of the **Utah Rules of Appellate Procedure** requires that all papers filed in your case must be served upon all other parties to the case. If a party is represented by counsel, service must be upon that counsel. If a party is not represented by counsel, service must be upon the party at the last known address. Service may be personal (hand-delivered) or by mail. A certificate of service must be attached to all papers filed with the court. The certificate of service must contain a statement of the date and manner of service, the names of the persons served and the addresses at which they were served. The court will not act upon papers filed that have not been served upon all other parties to the appeal.

**SAMPLE FORM
CERTIFICATE OF SERVICE**

(For service by mail)

CERTIFICATE OF SERVICE

I, (print your name) , certify that on (date) I served a copy of the attached (identify document) upon (name) , the counsel for the [appellant][appellee] in this matter, by mailing it to [him][her] by first class mail with sufficient postage prepaid to the following address:

(Name of opposing party or counsel)
(Address to which mailed)

By: (pro se signature)

(For service by hand-delivery)

CERTIFICATE OF SERVICE

I, (print your name) , certify that on (date) I served a copy of the attached (identify document) upon (name) , the counsel for the [appellant][appellee] in this matter, by personally hand delivering it to [him][her] at the following address:

(Name)
(Address where delivered)

By: (pro se signature)

Title VII. Jurisdiction on Writ of Certiorari to Court of Appeals

Rule 45. Review of judgments, orders, and decrees of court of appeals.

Unless otherwise provided by law, the review of a judgment, an order, and a decree (herein referred to as "decisions") of the Court of Appeals shall be initiated by a petition for a writ of certiorari to the Supreme Court of Utah.

Rule 46. Considerations governing review of certiorari.

(a) Review by a writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for special and important reasons. The following, while neither controlling nor wholly measuring the Supreme Court's discretion, indicate the character of reasons that will be considered:

(1) When a panel of the Court of Appeals has rendered a decision in conflict with a decision of another panel of the Court of Appeals on the same issue of law;

(2) When a panel of the Court of Appeals has decided a question of state or federal law in a way that is in conflict with a decision of the Supreme Court;

(3) When a panel of the Court of Appeals has rendered a decision that has so far departed from the accepted and usual course of judicial proceedings or has so far sanctioned such a departure by a lower court as to call for an exercise of the Supreme Court's power of supervision; or

(4) When the Court of Appeals has decided an important question of municipal, state, or federal law which has not been, but should be, settled by the Supreme Court.

(b) After a petition for certiorari has been filed, the panel that issued the opinion of the Court of Appeals may issue a minute entry recommending that the Supreme Court grant the petition. Parties shall not request such a recommendation by motion or otherwise.

Rule 47. Certification and transmission of record; joint and separate petitions; cross-petitions; parties.

(a) *Joint and separate petitions; cross-petitions.* Parties interested jointly, severally, or otherwise in a decision may join in a petition for a writ of certiorari; any one or more of them may petition separately; or any two or more of them may join in a petition. When two or more cases are sought to be reviewed on certiorari and involve identical or closely related questions, it will suffice to file a single petition for a writ of certiorari covering all the cases. A cross-petition for writ of certiorari shall not be joined with any other filing.

(b) *Parties.* All parties to the proceeding in the Court of Appeals shall be deemed parties in the Supreme Court, unless the petitioner notifies the Clerk of the Supreme Court in writing of the petitioner's belief that one or more of the parties below have no interest in the outcome of the petition. A copy of such notice shall be served on all parties to the proceeding below, and a party⁶ noted as no longer interested may remain a party by notifying the clerk, with service on the other parties, that the party has an interest in the petition.

(c) *Motion for certification and transmission of record.* A party intending to file a petition for certiorari, prior to filing the petition or at any time prior to action by the Supreme Court on the petition, may file a motion for an order to have the Clerk of the Court of Appeals or the clerk of the trial court certify the record, or any part of it, and provide for its transmission to the Supreme Court. Motions to certify the record prior to action on the petition by the Supreme Court should rarely be made, only when the record is essential to the Supreme Court's proper understanding of the petition or the brief in opposition and such understanding cannot be derived from the contents of the petition or the brief in opposition, including the appendix. If a motion is appropriate, it shall be made to the Supreme Court after the filing of a petition but prior to action by the Supreme Court on the petition. In the case of a stay of execution of a judgment of the Court of Appeals, such a motion may be made before the filing of the petition. Thereafter, the Clerk of the Supreme Court or any party to the case may request that additional parts of the record be certified and transmitted to the Supreme Court.

Rule 48. Time for petitioning.

(a) *Timeliness of petition.* A petition for a writ of certiorari must be filed with the Clerk of the Supreme Court within 30 days after the entry of the final decision by the Court of Appeals. The docket fee shall be paid at the time of filing the petition.

(b) *Refusal of petition.* The clerk will refuse to receive any petition for a writ of certiorari which is beyond the time indicated in paragraph (a) of this rule or which is not accompanied by the docket fee.

(c) *Effect of petition for rehearing.* The time for filing a petition for a writ of certiorari runs from the date the decision is entered by the Court of Appeals, not from the date of the issuance of the remittitur. If a petition for rehearing is timely filed by any party, the time for filing the petition for a writ of certiorari for all parties runs from the date of the denial of rehearing or of the entry of a subsequent decision entered upon the rehearing.

(d) *Time for cross-petition.*

(1) A cross-petition for a writ of certiorari must be filed:

- (A) within the time provided in Subdivisions (a) and (c) of this rule; or
- (B) within 30 days of the filing of the petition for a writ of certiorari.

(2) Any cross-petition timely only pursuant to paragraph (d)(1)(B) of this rule will not be granted unless a timely petition for a writ of certiorari of another party to the case is granted.

(3) The docket fee shall be paid at the time of filing the cross-petition. The clerk shall refuse any cross-petition not accompanied by the docket fee.

(4) A cross-petition for a writ of certiorari may not be joined with any other filing. The clerk of the court shall refuse any filing so joined.

(e) *Extension of time.* The Supreme Court, upon a showing of excusable neglect or good cause, may extend the time for filing a petition or a cross-petition for a writ of certiorari upon motion filed not later than 30 days after the expiration of the time prescribed by paragraph (a) or (c) of this rule, whichever is applicable. Any such motion which is filed before expiration of the prescribed time may

be ex parte, unless the Supreme Court otherwise requires. Notice of any such motion which is filed after expiration of the prescribed time shall be given to the other parties. No extension shall exceed 30 days past the prescribed time or 10 days from the date of entry of the order granting the motion, whichever occurs later.

(f) The number of copies to be filed and served shall be the same as provided in Rule 26.

Rule 49. Petition for writ of certiorari.

(a) *Contents.* The petition for a writ of certiorari shall contain, in the order indicated:

(1) A list of all parties to the proceeding in the court whose judgment is sought to be reviewed, except where the caption of the case in the Supreme Court contains the names of all parties.

(2) A table of contents with page references.

(3) A table of authorities with cases alphabetically arranged and with parallel citations, agency rules, court rules, statutes, and authorities cited, with references to the pages of the petition where they are cited.

(4) The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of the questions should be short and concise and should not be argumentative or repetitious. General conclusions, such as "the decision of the Court of Appeals is not supported by the law or facts," are not acceptable. The statement of a question presented will be deemed to comprise every subsidiary question fairly included therein. Only the questions set forth in the petition or fairly included therein will be considered by the Supreme Court.

(5) A reference to the official and unofficial reports of any opinions issued by the Court of Appeals.

(6) A concise statement of the grounds on which the jurisdiction of the Supreme Court is invoked, showing:

(A) the date of the entry of the decision sought to be reviewed;

(B) the date of the entry of any order respecting a rehearing and the date of the entry and terms of any order granting an extension of time within which to petition for certiorari;

(C) reliance upon Rule 47(c), where a cross-petition for a writ of certiorari is filed, stating the filing date of the petition for a writ of certiorari in connection with which the cross-petition is filed; and

(D) the statutory provision believed to confer jurisdiction on the Supreme Court.

(7) Controlling provisions of constitutions, statutes, ordinances, and regulations set forth verbatim with the appropriate citation. If the controlling provisions involved are lengthy, their citation alone will suffice and their pertinent text shall be set forth in the appendix referred to in subparagraph (10) of this paragraph.

(8) A statement of the case. The statement shall first indicate briefly the nature of the case, the course of the proceedings, and its disposition in the lower courts. There shall follow a statement of the facts relevant to the issues presented for review. All statements of fact and references to the proceedings below shall be supported by citations to the record before and to the opinion of the Court of Appeals.

(9) With respect to each question presented, a direct and concise argument explaining the special and important reasons as provided in Rule 46 for the issuance of the writ.

(10) An appendix containing, in the following order:

(A) copies of all opinions, including concurring and dissenting opinions, and all orders, including any order on rehearing, delivered by the Court of Appeals in rendering the decision sought to be reviewed;

(B) copies of any other opinions, findings of fact, conclusions of law, orders, judgments, or decrees that were rendered in the case or in companion cases by the Court of Appeals and by other courts or by administrative agencies and that are relevant to the questions presented. Each document shall include the caption showing the name of the issuing court or agency, the title and number of the case, and the date of its entry; and

(C) any other judicial or administrative opinions or orders that are relevant to the questions presented but were not entered in the case that is the subject of the petition. If the material that is required by subparagraphs (7) and (10) of this paragraph is voluminous, they may be separately presented.

(b) *Form of petition.* The petition for a writ of certiorari shall comply with the form of a brief as specified in Rule 27.

(c) *No separate brief.* All contentions in support of a petition for a writ of certiorari shall be set forth in the body of the petition, as provided in subparagraph (a)(9) of this rule. The petitioner shall not file a separate brief in support of a petition for a writ of certiorari. If the petition is granted, the petitioner will be notified of the date on which the brief in support of the merits of the case is due.

(d) *Page limitation.* The petition for a writ of certiorari shall be as short as possible, but may not exceed 20 pages, excluding the subject index, the table of authorities, any verbatim quotations required by subparagraph (a)(7) of this rule, and the appendix.

(e) *Absence of accuracy, brevity, and clarity.* The failure of a petitioner to present with accuracy, brevity, and clarity whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

Rule 50. Brief in opposition; reply brief; brief of amicus curiae.

(a) *Brief in opposition.* Within 30 days after service of a petition the respondent shall file an opposing brief, disclosing any matter or ground why the case should not be reviewed by the Supreme Court. Such brief shall comply with Rules 26(b), 27 and, as applicable, 49.

(b) *Page limitation.* A brief in opposition shall be as short as possible and may not, in any single case, exceed 20 pages, excluding the subject index, the table of authorities, any verbatim quotations required by Rule 49(a)(7), and the appendix.

(c) *Objections to jurisdiction.* No motion by a respondent to dismiss a petition for a writ of certiorari will be received. Objections to the jurisdiction of the Supreme Court to grant the writ of certiorari may be included in the brief in opposition.

(d) *Distribution of filings.* Upon the filing of a brief in opposition, the expiration of the time allowed therefor, or express waiver of the right to file, the petition and the brief in opposition, if any, will be distributed by the clerk for consideration. However, if a cross-petition for a writ of certiorari has been filed, distribution of both it and the petition for a writ certiorari will be delayed until the filing of a brief in opposition by the cross-respondent, the expiration of the time allowed therefor, or express waiver of the right to file.

(e) *Reply brief.* A reply brief addressed to arguments first raised in the brief in opposition may be filed by any petitioner, but distribution under paragraph (d) of this rule will not be delayed pending the filing of any such brief. Such brief shall be as short as possible, but may not exceed five pages. Such brief shall comply with Rules 26(b) and 27.

(f) *Brief of amicus curiae.* A brief of an amicus curiae may be filed only if accompanied by written consent of all parties, by leave of the Supreme Court granted on motion, or at the request of the Supreme Court. A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable. Except as all parties otherwise consent, an amicus curiae shall file its brief within the time allowed the party whose position it will support, unless the Supreme Court for cause shown shall grant leave for later filing, in which event it shall specify within what period an opposing party may answer. Such brief shall comply with Rules 26(b), 27, and, as applicable, 49. The brief may not exceed 20 pages, excluding the subject index, the table of authorities, any verbatim quotations required by Rule 49(a)(7), and the appendix.

Rule 51. Disposition of petition for writ of certiorari.

(a) *Order after consideration.* After consideration of the documents distributed pursuant to Rule 50, the Supreme Court will enter an order denying the petition or granting the petition in whole or in part. The order shall be decided summarily, shall be without oral argument, and shall not constitute a decision on the merits. The clerk shall not issue a formal writ unless directed by the Supreme Court.

(b) *Grant of petition.*

(1) Whenever an order granting a petition for a writ of certiorari is entered, the Clerk of the Supreme Court forthwith shall notify the Clerk of the Court of Appeals and counsel of record.

(2) If the record has not previously been filed, the Clerk of the Supreme Court shall request the clerk of the court with custody of the record to certify it and transmit it to the Supreme Court.

(3) The clerk shall file the record and give notice to the parties of the date on which it was filed and the date on which petitioner's brief is due.

(4) Rules 24 through 31 shall govern briefs, argument, and disposition of the petition for writ of certiorari. In applying Rules 24 through 31, the petitioner shall stand in the place of the appellant and the respondent in the place of the appellee.

(c) *Denial of petition.* Whenever a petition for a writ of certiorari is denied, an order to that effect will be entered, and the Clerk of the Supreme Court forthwith will notify the Court of Appeals and counsel of record.

Rule 27. Form of briefs.

(a) *Paper size; printing margins.* Briefs shall be typewritten, printed or prepared by photocopying or other duplicating or copying process that will produce clear, black and permanent copies equally legible to printing, on opaque, unglazed paper 8 1/2 inches wide and 11 inches long, and shall be securely bound along the left margin. Paper may be recycled paper, with or without de-inking. The printing must be double spaced, except for matter customarily single spaced and indented. Margins shall be at least one inch on the top, bottom and sides of each page. Page numbers may appear in the margins.

(b) *Typeface.* Either a proportionally spaced or mono-spaced typeface in a plain, roman style may be used. A proportionally spaced typeface must be 13-point or larger for both text and footnotes. Examples are CG Times, Times New Roman, New Century, Bookman and Garamond. A mono-spaced typeface may not contain more than ten characters per inch for both text and footnotes. Examples are Pica and Courier.

(c) *Binding.* Briefs shall be printed on both sides of the page, and bound with a compact-type binding so as not unduly to increase the thickness of the brief along the bound side. Coiled plastic and spiral-type bindings are not acceptable.

(d) *Color of cover; contents of cover.* The cover of the opening brief of appellant shall be blue; that of appellee, red; that of intervenor, guardian ad litem, or amicus curiae, green; that of any reply brief, or in cases involving a cross-appeal, the appellant's second brief, gray; that of any petition for rehearing, tan; that of any response to a petition for rehearing, white; **that of a petition for certiorari, white; that of a response to a petition for certiorari, orange; and that of a reply to the response to a petition for certiorari, yellow.** All brief covers shall be of heavy cover stock. There shall be adequate contrast between the printing and the color of the cover. The cover of all briefs shall set forth in the caption the full title given to the case in the court or agency from which the appeal was taken, as modified pursuant to Rule 3(g), as well as the designation of the parties both as they appeared in the lower court or agency and as they appear in the appeal. In addition, the covers shall contain: the name of the appellate court; the number of the case in the appellate court opposite the case title; the priority number of the case, as set forth in Rule 29; the title of the document (e.g., Brief of Appellant); the nature of the proceeding in the appellate court (e.g., Appeal, Petition for Review); the name of the court and judge, agency or board below; and the names and addresses of counsel for the respective parties designated as attorney for appellant, petitioner, appellee, or respondent, as the case may be. The names of counsel for the party filing the document shall appear in the lower right and opposing counsel in the lower left of the cover.

(e) *Effect of non-compliance with rules.* The clerk shall examine all briefs before filing. If they are not prepared in accordance with these rules, they will not be filed but shall be returned to be properly prepared. The clerk shall retain one copy of the non-complying brief and the party shall file a brief prepared in compliance with these rules within 5 days. The party whose brief has been rejected under this provision shall immediately notify the opposing party in writing of the lodging. The clerk may grant additional time for bringing a brief into compliance only under extraordinary circumstances. This rule is not intended to permit significant substantive changes in briefs.

Form 9. Checklist for Petitions for Certiorari - Rules 45 through 51.

Deadlines for Filing

1. Petition: **30** days after entry of decision or decision on petition for rehearing.
2. Cross-petition: Within time permitted for petition or **30** days after petition is filed.
Cross-petition may not be joined with other filing.
3. Brief in opposition: **30** days after service of petition.
4. Reply brief: No deadline.
5. Extension for petition or cross-petition: By motion showing excusable neglect filed within **30** days of the expiration of the original deadline.

Number of Copies

1. **Seven** copies filed with the Supreme Court - one with an original signature; reproduced signature on other copies.
2. **Two** copies served upon counsel for all parties to the petition.

Length

1. Petition and brief in opposition: **20** pages excluding index, table of authorities, and required verbatim quotations.
2. Reply brief: **Five** pages.

Size, Binding, Print, and Cover Requirements

1. Same as for briefs filed under **Utah R. App. P. 24, 26, and 27.**

Content Requirements

1. List of all parties unless all parties appear in the caption.
2. Table of contents with page references.
3. Table of authorities with page references: (a) cases listed alphabetically with parallel citations; (b) rules; (c) statutes; (d) other authorities.
4. Questions presented for review stated in the circumstances of the case.
5. Citation to the opinion of the Court of Appeals.
6. Statement of the jurisdiction of the Supreme Court:
 - a. date of entry of decision to be reviewed;
 - b. date of entry of order respecting a petition for rehearing or date of entry and terms of order respecting an extension of time in which to file the petition;
 - c. date of filing of petition when filing a cross-petition;
 - d. statute that confers jurisdiction upon the Supreme Court.
7. Constitutional provisions, statutes, ordinances, and rules set out verbatim or by citation alone if set out verbatim in the appendix.
8. Statement of the case:
 - a. nature of the case;
 - b. course of proceedings and dispositions in other courts;
 - c. statement of facts supported by citations to the record and the opinion of the Court of Appeals.
9. Concise argument of the special and important reasons for issuance of the writ. **Rules 46 and 49.**
10. Appendix
 - a. opinions and orders of the Court of Appeals;
 - b. findings of fact, conclusions of law, orders and judgments rendered by the Court of Appeals or any other court or agency;
 - c. other judicial or administrative decisions relating to the case.

(Name)

(Address)

(City)

(Telephone)

Court Decision

_____ Date of approval

_____ Date of denial

(Initials of judge or clerk)

In the Utah Court of Appeals / Utah Supreme Court (circle one)

450 S State St.
Salt Lake City, UT 84111

<p>_____, (name) Appellant / Appellee (circle one)</p> <p>vs.</p> <p>_____, (name) Appellant / Appellee (circle one)</p>	<p>AFFIDAVIT AND APPLICATION FOR WAIVER OF COURT FEES</p> <p>Appellate Case No. _____</p> <p>Case No. _____</p> <p>Judge _____</p>
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I solemnly swear or affirm that the following is true: **Due to my poverty, I am unable to bear the expenses of the legal proceedings that I am about to begin, and I believe that I am entitled to the relief sought in these proceedings.**

To obtain a waiver of court fees, I am providing the following financial information:

NOTE: If Section 1 below applies and is completed, then you do not need to complete Section 2. Section 2 must be completed if Section 1 does not apply.

SECTION 1:

9 I receive public assistance under Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, or General Assistance (GA).

9 I am being represented in this action by Utah Legal Services, or by a volunteer attorney designated by Utah Legal Services. I qualified for such representation because my income at the time my case was accepted did not exceed 125% of federal poverty guidelines.

9 I am being represented in this action by Legal Aid Society of Salt Lake. I qualified for such representation because my income at the time my case was accepted did not exceed 150% of federal poverty guidelines.

SECTION 2: Answer all the following questions only if Section I above does not apply.

Income:

I was born on:		
If I am applying for my child, my child's name is:	If I am applying for my child, my child's date of birth is:	
9 I have the following job(s). My employer's name and address is: (If you do not have a job, write "None" in this space.)	Monthly pay before deductions: \$ _____	Monthly pay after deductions: \$ _____
9 I have income from sources other than employment. <i>Include such sources as rental income, money or other support from non-household family members, etc.)</i>	Source of income	Monthly income, non-wage \$ _____
9 I receive this much per month from government programs. <i>(Include such sources as social security benefits, worker's compensation, veterans non-educational benefits, housing, food, other living allowances, etc.)</i>	Source of income	Monthly income from government programs \$ _____
9 I share a household with other adults, some of whom have jobs and share the cost of household expenses. The names and my relationship to these household members are listed in this box: Name: _____ Relation: _____ Name: _____ Relation: _____	Monthly pay before deductions of other adults in household: \$ _____ \$ _____	Monthly pay after deduction of other adults in household: \$ _____ \$ _____
9 I receive this much alimony per month:		\$ _____

Assets

9 I have this much money in cash, in the bank, in stocks or bonds, or in other available sources:	\$_____
9 Other people or organizations owe me this much money:	\$_____
9 If Applicant is a prisoner, how much is held in Applicant's trust account? (<i>Certificate Regarding Inmate Account must be filed.</i>)	\$_____

9 I own or am buying a **home, land,** or other **real property,** and **vehicles** or **other personal** property as listed below.

Property (home, land, vehicles, etc.) and location	Balance owed	Value
Home		\$_____
Land and other real property		\$_____
Cars, trucks, or other vehicles		\$_____
Other personal property		\$_____

Debt

9I owe the following debts:

To whom owed	Amount	To whom owed	Amount
	\$_____		\$_____
	\$_____		\$_____
	\$_____		\$_____

Expenses

9 In an average month, I spend money for the following items:

	Amount		Amount		Amount
Food	\$ _____	Gas	\$ _____	Child support	\$ _____
Clothing	\$ _____	Water	\$ _____	Child care	\$ _____
Cost of housing	\$ _____	Telephone	\$ _____	Education expense for children	\$ _____
Transportation	\$ _____	Uninsured medical expenses	\$ _____	Other (list)	\$ _____
Electricity	\$ _____	Health insurance	\$ _____	Other (list)	\$ _____

9 The following people depend on me for support:

Name	Age	Relationship	Name	Age	Relationship	Lives in household with me: Yes or No?

9 The following facts also indicate that I am unable to pay court fees and costs:

Being sworn, I state that I have read this Affidavit and Application for Waiver of Court Fees, and the statements in it are true and correct to the best of my knowledge. I realize that an intentionally false statement could subject me to prosecution for perjury.

DATED: _____
Appellant

NOTARY CLAUSE

_____, Appellant, is personally known to me or presented satisfactory proof of identity to me. After being sworn and while under oath, Appellant stated that he or she was acting voluntarily, had read and understood the preceding document, and that the contents were true. Appellant then signed the document in my presence.

Signed on _____, 20____.

X _____
Notary Public / Court Clerk

(Notary Seal)

Information for applicants seeking waiver of court fees and costs:

The Court will evaluate an applicant's financial inability to pay court fees and costs. This decision is left to the judge's discretion. However, to get an idea as to whether your income and assets are so low that you qualify for this waiver, please review the annual federal poverty guidelines, which are listed at the following website:
www.utcourts.gov/resources.